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EXAMINER
RONES, C

THOMAS SCHNECK
P O BOX 2-E
SAN JOSE CA 95109-0005

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Commissioner of Patents and Trademarks

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 17

Application Number: 08/927,022
Filing Date: September 10, 1997
Appellant(s): KIRSCH, STEVEN T

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AUG 2 7 2001

Technology Center 2100

Thomas Schneck
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed July 2, 2001.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and

interferences which will directly affect or be directly affected by or have a bearing on the

decision in the pending appeal is contained in the brief. Therefore, it is presumed that

there are none. The Board, however, may exercise its discretion to require an explicit

statement as to the existance of any related appeals and interferences.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5)   Summary of Invention

The summary of invention contained in the brief is correct.

(6)   Issues

The appellant's statement of the issues in the brief is substantially correct. The

changes are as follows: Claims 1-19 are unpatentable under 35 USC Section 103(a)

over DuFresne (U.S. Patent No. 5,835,712) in view of Haverstock et al. (U.S. Patent No.

6,064,977).

(7)   Grouping of Claims

The appellant's statement in the brief that certain claims do not stand or fall

together is not agreed with because examiner believes that claims 1-19 are under one

issue. Additionally, appellant makes the same argument over and over indicating that the claims should be grouped together.

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

5,835,712	DuFresne	11-1998
6,064,977	Haverstock et al.	5-2000

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-19 are rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 12.

(11) Response to Argument

Regarding claim 1,

Firstly, appellant argues (Brief, page 11) that DuFresne does not disclose use of a search engine as recited in appellant's claim 1.

In response, examiner maintains that DuFresne discloses a search engine wherein scripts and forms are used to retrieve data from a database; See 8:19-37; 9:35-47; 13:50-67.

Secondly, appellant argues that DuFresne does not disclose screening the search results.

In response, examiner maintains that DuFresne discloses screening the search results wherein the user is restricted from retrieving records that the user has restricted

access and that the forms and templates additional screen search results; See 4:40-65;

8:19-37; 9:25-47; 11:15-20.

Thirdly, appellant argues that DuFresne does not disclose that a plurality of

results are not produced by DuFresne.

In response, examiner maintains that DuFresne discloses a plurality of results

are produced by DuFresne; See 4:40-65; 8:19-37; 9:25-47; 11:15-20. DuFresne can

also produce a web page that contains data from several results and creates a URL to

display those results. While DuFresne can also return one result; See 11:15-40.

Fourthly, appellant argues that DuFresne does not disclose that a user does not

know his access level.

In response, examiner fails to see such limitation in claim 1, therefore, does not

address this limitation any further than the response as presented in the office action.

Fifthly, appellant argues that DuFresne combined with Haverstock does not

disclose that one access control list is used per document because Haverstock states

"...to do things through access control lists."

In response, examiner fails to see that the claim states only one access control

list must be used. In addition, just because Havestock says "...to do things through

access control lists" does not mean that there are a plurality of lists, Haverstock is just

making a statement using a plural statement which one of ordinary skill in the art could

interpret that he could mean a single, as well as, several access control lists, as he is

just making a statement of using access control lists to perform a type of operation.

Lastly, appellant argues that Haverstock does not disclose where the access

control lists are stored.

In response, examiner maintains that DuFresne in view of Haverstock discloses

where the access control lists are stored. DuFresne stores the access control list within

the template. Haverstock discloses that security features to restrict access can be

stored within the document; See 6:20-56.

Regarding claim 2,

Firstly, appellant argues that DuFresne does not disclose a plurality of document

titles forwarded to the user.

In response, examiner maintains that DuFresne does disclose returning several

documents based on a users access level; See 4:40-65; 8:19-37; 9:25-47; 11:15-20.

Secondly, appellant argues that DuFresne does not disclose titles but a

document.

In response, examiner maintains that DuFresne discloses document titles as

shown in Fig. 10c. In addition, in Fig. 3A, the document title is also the documents title

(I.E. document "ITEM-A.html" has title "Item A."); See 7:5-35.

Lastly, appellant argues that DuFresne does not disclose preventing the user

from discovering the existence of document titles through the user of a search engine.

In response, examiner maintains that DuFresne discloses such wherein a CGI

script can execute a program performing a search rather than a document, but would

not send the document if the user did not have access; See 8:1-44. Further, DuFresne

can return the document's name, which does not necessarily have to be the document's

title as stated by appellant.

Regarding claim 4,

Firstly, appellant argues that a query is not executed, but rather a URL address is

inputted and that a list of relevant documents is not provided.

In response, examiner maintains that DuFresne discloses such wherein a form

and scripts can be used to provide relevant documents as discloses previously above.

Secondly, appellant argues that DuFresne does not disclose reviewing all URLs.

In response, examiner maintains that DuFresne discloses such as stated

previously above.

Thirdly, appellant argues that neither DuFresne nor Havestock discloses an

access control list is contained in each document.

In response, examiner maintains that DuFresne combined with Haverstock

discloses such as previously stated and identified above; See Haverstock: 6:20-57.

Fourthly, appellant argues that delivering only those URLs that are compatible

with the access level of the person and withholding the URLs that are not compatible.

In response, examiner maintains that the DuFresne discloses such as previously

stated above.

Fifthly, appellant argues that as in claim 2, that DuFresne does not disclose

preventing a user from discovering URLs that are not compatible with access level of

the person.

In response, again the examiner maintains that DuFresne discloses such as described previously in response to claim 2 above.

Regarding claim 7,

Firstly, appellant argues that DuFresne does not disclose storing the access control level separately from the document.

In response, examiner is confused that appellant previously argued that DuFresne does not store the access control level with the document (See Brief, page 16, lines 1-14). Therefore, appellant has made examiner's case. The examiner maintains that the combination of DuFresne and Haverstock discloses storing the access control level with the document.

Secondly, appellant argues that Haverstock fails to teach where access control list are stored.

In response, examiner maintains that Haverstock discloses where access control list are stored (with the document), as stated previously above; See Haverstock: 6:11-57.

Thirdly, appellant argues that a prima facie case of obviousness has not been disclosed.

In response, examiner maintains that a prima facie case has been disclosed as detail in the rejections and here in the answer.

Regarding claim 8,

Firstly, appellant argues that DuFresne does not disclose using hierarchy of URLs in conjunction with access control level and user identification.

In response, examiner maintains that DuFresne discloses a hierarchy of documents as stated in the rejection. Appellant's argument here is that DuFresne does not disclose a hierarch or URLs, which is not what is claimed.

Lastly, appellant argues that Haverstock does not teach or suggest how different users can be given access to different fields of a page or to different functionality.

In response, examiner maintains that Haverstock discloses such wherein ech field can within a document can restrict or grant access to a user based on that user's access level; See Haverstock: 6:11-57.

Regarding claims 11-12,

Appellant primarily argues that DuFresne and Haverstock contain several access control list instead of just a single one.

In response, examiner maintains that Haverstock suggests that a document "may contain be required to have a certain priority level", aslo that a document "may contain certain fields that are access controlled and provides an example where only one field is access controlled (I.E. "the buyer field"); See Haverstock: 6,11-57. Therefore, a single or multiple access control lists can be used.

Regarding claims 13,

Firstly, appellant argues that similarly to claims 1, 4, 7, 11 and 12, DuFresne teaches multiple access control list instead of one control list.

In response, examiner is not clear exactly where in claim 13, states that only one access list is used instead of multiple. However, as stated just previously above, a

single or multiple access control list can be used by the combination of DuFresne and Haverstock.

Secondly, appellant argues that DuFresne does not disclose the specific method by which users are permitted or denied access.

In response, examiner maintains that DuFresne discloses the specific method by which users are permitted or denied access via the template and access control levels, users are granted or denied access.

Thirdly, appellant argues that DuFresne does not disclose executing a query on a server having access to a document index of available documents available for searching.

In response, examiner maintains that DuFresne discloses such wherein the scripts, buttons, and CGI execute a query having access to a document index for searching wherein a database is inherently deemed to be indexed; See 4:51-67; 8:20-56.

Fourthly, appellant argues that similarly to claims 1, 2, and 4, that DuFresne only a single document is requested and produced.

In response, examiner maintains that DuFresne discloses multiple documents being returned as previously disclosed above.

Lastly, appellant argues that a prima facie case of obviousness is not established.

In response, examiner maintains that a prima facie case of obviousness has been established as stated previously above.

Regarding claims 15 and 16,

Appellant argue that DuFresne does not disclose use of URLs in conjunction with an access control list.
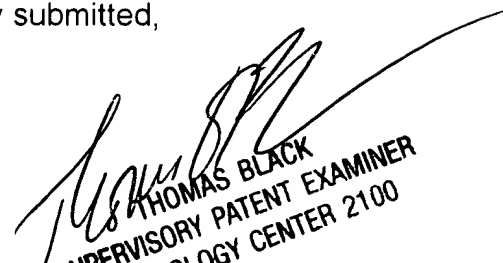
In response, examiner maintains that DuFresne discloses such wherein DuFresne states that upon establishing that no REDIRECT to the LOCK directory is specified in the initial URL, the server proceeds to retrieve a template to the requested page and the server checks whether the template is access restricted to authorized users; See 19:5-45.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

RONES
August 26, 2001

THOMAS SCHNECK
P O BOX 2-E
SAN JOSE, CA 95109-0005